



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/694,989	10/29/2003	Hideaki Watanabe	1720.1005	5296

21171 7590 08/15/2006

STAAS & HALSEY LLP  
SUITE 700  
1201 NEW YORK AVENUE, N.W.  
WASHINGTON, DC 20005

EXAMINER

AGBOTTAH, AWUDZI Z

ART UNIT	PAPER NUMBER
----------	--------------

2632

DATE MAILED: 08/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/694,989

Applicant(s)

WATANABE ET AL.

Examiner

Awudzi Z. Agbottah

Art Unit

2632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 October 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>29 October 2003</u> . | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

***Information Disclosure Statement***

2. The information disclosure statement submitted on October 29, 2003 have been considered by the Examiner and made of record in the application file.

***Claim Rejections - 35 USC § 101***

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 13-15 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The language of the claim raises a question as to whether the claim is directed merely to an abstract idea that is not tied to a technological art, environment or machine which would result in a practical application producing a concrete, useful, and tangible result to form the basis of statutory subject matter under 35 U.S.C. 101.

Art Unit: 2632

Claims 13-15, claims the non-statutory subject matter of a program. Data structures not claimed as embodied in computer-readable media are descriptive material per se and are not statutory because they are not capable of causing functional change in the computer. See, e.g., Warmerdam, 33 F.3d at 1361, 31 USPQ2d at 1754 (claim to a data structure per se held nonstatutory). Therefore, since the claimed programs are not tangibly embodied in a physical medium and encoded on a computer-readable medium then the Applicants has not complied with 35 U.S.C 101.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless – (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Olkkonen et al.

**(United States Patent Application Publication No. US 2005/0088980 A1).**

5. Consider claim 1. Olkkonen et al. discloses an information provider (communication device) that manages identification information of arriving devices

Art Unit: 2632

(device of other party) in an ad-hoc network (**Page 3, Paragraph 22; Paragraph 25, Lines 23-28**).

Olkkonen et al. additionally discloses that inquiry signals are transmitted by an arriving device in an ad hoc network. These signals are received by other communication devices which in turn transmit information characterizing the ad hoc network (identification information) (**Page 7, Paragraph 96**). This implies that there is an identification reception part that receives the ad hoc network information (identification information). Refer to **Figure 1**. The drawing shows the ad hoc network with each device clearly having antennas allowing the devices to transmit over the communication link which is labeled **130** in **Figure 1**.

Olkkonen et al. discloses an SDP registry (storage part) that stores the characteristics (identification information) of the ad hoc network (**Page 10, Paragraph 111, Lines 22-25**).

Lastly Olkkonen et al. discloses an ad hoc network information provider storing information characterizing the ad hoc network (identification information), this information is stored in the memory (information processing part that stores) of the information provider and the information can be retrieved by another wireless device that is inquiring about information characterizing the ad hoc network (identification information) (**Page 3, Paragraph 22, Paragraph 23, Lines 1-7**).

6. Consider claim 2 as applied to claim 1 above. Olkkonen et al. discloses a way in which the information characterizing the ad hoc network (identification information) can

Art Unit: 2632

be categorized according to member names (human information) **(Page 5, Paragraph 42)**. In addition he discloses that the information characterizing the ad hoc network in addition to human information can also include information regarding the type of device of the other party. For example a printer or fax machine as Olkkonen et al. discloses **(Page 3, Paragraph 26)**.

7. Consider claim 3 as applied to claim 1 above. Olkkonen et al. discloses a wireless device with a display that displays the information characterizing the ad hoc network (identification information) from the memory (information processing part) of the information provider **(Page 7, Paragraph 82-94)**.

8. Consider claim 4. Olkkonen et al. discloses an information provider (communication device) that manages identification information of arriving devices (device of other party) in an ad-hoc network **(Page 3, Paragraph 22; Paragraph 25, Lines 23-28)**.

Olkkonen et al. discloses an information provider device with a transmission/reception part as disclosed in Figure 1, that in accordance with Olkkonen et al.'s invention requires transmission (demands transmission) of information

Art Unit: 2632

characterizing the ad hoc network (identification information) to the arriving device (device of the other party) (**Page 3, Paragraph 26-27**).

Olkkonen et al. discloses an SDP service registry (storage registry) in each device which stores the information characterizing the ad hoc network (identification information) (**Page 9, Paragraph 104**).

Lastly Olkkonen et al. discloses an ad hoc network information provider storing information characterizing the ad hoc network (identification information), this information is stored in the memory (information processing part that stores) of the information provider and the information can be retrieved by another wireless device that is inquiring about information characterizing the ad hoc network 9identification information) (**Page 3, Paragraph 22, Paragraph 23, Lines 1-7**).

9. Consider claim 5. Olkkonen et al. discloses an arriving short range wireless device (communication device) that transmits inquiry signals. In response to these inquiry signals, the device receives the address of the ad hoc network information provider which allows the short range wireless device to connect with the information provider (**Page 3, Paragraph 23**).

Olkkonen et al. discloses an information provider device with a transmission/reception part as disclosed in **Figure 1** that in accordance with Olkkonen et al.'s invention requires transmission of information characterizing the ad hoc network

Art Unit: 2632

(identification information) to the arriving device (device of the other party) (**Page 3, Paragraph 26-27**).

Olkkonen et al. discloses short range wireless devices that store characteristics of the ad hoc network (identification information) in its memory (storage part) (**Page 3, Paragraph 22**). This identification information includes address information of the ad hoc network information provider (**Page 3, Paragraph 23, Lines 7-13**). The short range wireless device can use this address to select the characteristics of the ad hoc network it desires to be part of (**Page 3, Paragraph 25-26**).

Lastly Olkkonen et al. discloses the short range wireless device that receives the address of the information provider of the ad hoc network with the characteristics of interest (identification information) of the device. This information is stored in the short range wireless device's memory (information processing part) (**Page 3, Paragraph 22,23,25**). For example the short range device can look for services such as printer, fax machine or public internet gateway (specifying information) (**Page 3, Paragraph 26, Lines 1-5**).

10. Consider claim 6 as applied to claim 4 above. Olkkonen et al. discloses a wireless device with a display (information presenting part) (**Page 7, Paragraph 82**). This wireless device receives the characteristics of the ad hoc network ( identification information) received from the ad hoc network information provider (device of the other party). The wireless device then lists the characteristics of interest (specifying



Art Unit: 2632

information) on its display allowing the user to select the type of characteristics of interest (**Page 7, Paragraph 95-97**).

11. Consider claim 7. Olkkonen et al. discloses an arriving short range wireless device (communication device) that transmits inquiry signals. In response to these inquiry signals, the device receives the address of the ad hoc network information provider which allows the short range wireless device to connect with the information provider (**Page 3, Paragraph 23**).

Olkkonen et al. discloses an SDP service registry (database part) that relates the address of the information of the ad hoc network (device of the other party) to characteristics of interest of the ad hoc network (specifying information) (**Page 9-10, Paragraph 111**).

Olkkonen et al. additionally discloses a wireless device with a display (information presenting part) that displays a person's name list (**Page 7, Paragraph 94, Lines 8-11**), which is stored in the wireless device's memory (address book data base).

Olkkonen et al. discloses an SDP service registry that stores information characterizing the ad hoc network which is based on the address of the ad hoc network information provider. Olkkonen et al. discloses a network discovery menu which lists characteristics of the ad hoc network. Since the characteristics of the ad hoc discovery menu are based on the address of the ad hoc network information provider and each characteristic has a distinct address, the information characterizing the ad hoc network

can be considered the address information as mentioned in the claim (**Page 10, Paragraph 114**).

Olkkonen et al. additionally discloses a keypad (input selection part) (**Figure 1; Paragraph 94, Lines 1-5**), which allows the user to select from the displayed address information.

Lastly Olkkonen et al. discloses that the ad hoc network information provider stores characteristics of the ad hoc network in it's memory (information processing part) which retrieves the SDP service registry (database part) as a result of a selection input using the keypad. This selection initiates a connection to the desired ad hoc network (**Page 3, Paragraph 22; Page 8, Paragraph 100-102**).

12. Consider claim 8. Olkkonen et al. discloses Bluetooth ad hoc networks (Bluetooth system) (**Page 8, Paragraph 99, Lines 1-3**).

Additionally Olkkonen et al. discloses the ad hoc information provider as having a memory which contains an SDP service registry (address book) which stores the identity of the members (owner information) (**Page 3, Paragraph 22, Lines 7-11**) and the address of the ad hoc information provider (Bluetooth device address) (**Page 10, Paragraph 122**).

Lastly Olkkonen et al. discloses an ad hoc network information provider which has a memory (information processing part) which can store among other things, the identity of it's members (owner information) from other devices in the ad hoc network. The memory contains an SDP service registry (address book data base) which stores

the identity of the members (owner information) (**Page 3, Paragraph 22, Lines 7-11**) and the address of the ad hoc information provider (Bluetooth device address) (**Page 10, Paragraph 122**).

13. Consider claim 9. Olkkonen et al. discloses Bluetooth ad hoc networks (Bluetooth system) (**Page 8, Paragraph 99, Lines 1-3**).

Olkkonen et al. discloses an information provider device with a transmission/reception part as disclosed in **Figure 1** is an antenna. Also disclosed is the use of a Bluetooth device which is obviously in accordance with the Bluetooth standard for transmission and reception (**Page 8, Paragraph 99, Lines 1-7**).

Olkkonen et al. additionally discloses a wireless device with a display (information presenting part) that displays a person's name list (**Page 7, Paragraph 94, Lines 8-11**), which is stored in the wireless device's memory (address book data base).

Olkkonen et al. discloses a keypad (input operation part) that can be used to select from a list of user names (**Page 7, Paragraph 94**).

Olkkonen et al. discloses a wireless device with a display and a keypad for selecting from among other things, a list of user names (**Page 7, Paragraph 82,94**). In accordance with Olkkonen et al.'s invention, the device must inherently contain some type of control part. The device is in accordance with the Bluetooth standard therefore containing a transmission/reception part as disclosed in **Figure 1** as an antenna, and also communicate in accordance with the Bluetooth standard. As the user uses the keypad to select from a list of user names to connect with a particular user, it is inherent

Art Unit: 2632

in the Bluetooth standard that Bluetooth device address be used for communication to occur.

14. Consider claim 10 as applied to claim 9 above. Olkkonen et al. discloses a wireless device with a display and a keypad for selecting from among other things, a list of user names (profile) (**Page 7, Paragraph 82,94**). In accordance with Olkkonen et al.'s invention, the device must inherently contain some type of control part. The device is in accordance with the Bluetooth standard therefore containing a transmission/reception part as disclosed in **Figure 1** as an antenna, and also communicate in accordance with the Bluetooth standard. As the user uses the keypad to select from a list of user names to connect with a particular user, it is inherent in the Bluetooth standard that Bluetooth device address be used for communication to occur.

15. Consider claim 11. Olkkonen et al. discloses an information processing method of a communication device which performs communication with another device which comprises an arriving device transmitting inquiry signals and in response receiving either information characterizing the ad hoc network or the address of the ad hoc network information provider (**Page 3, Paragraph 22-23**). The wireless device in turn store all the information it receives regarding the ad hoc networks (**Page 3, Paragraph 27**).

Lastly Olkkonen et al. discloses the fact that a user, via a wireless device can select options defining the type of characteristics of an ad hoc network he/she would

Art Unit: 2632

like to connect to. The user has the option of selecting from for example telephone, internet, file sharing or ad hoc network discovery for example (**Page 7, Paragraph 82-86**). All of which are stored in the memory of the device. They user can specify their choice by using a keypad. The user can then select from a sub-menu of the primary option he selected which is displayed on a user display (**Page 7, Paragraph 82-94**). This reads to the applicant's claim of "...a step that retrieves the identification information, and relates a result of that retrieval to said specifying information on outputs them, or makes the output possible."

16. Consider claim 12. Olkkonen et al. discloses an information processing method of a communication device which performs communication with another device which comprises

Olkkonen et al. discloses an information provider device with a transmission/reception part as disclosed in Figure 1 that in accordance with Olkkonen et al.'s invention requires transmission (demands transmission) of information characterizing the ad hoc network (identification information) to the arriving device (device of the other party) (**Page 3, Paragraph 26-27**).

Olkkonen et al. discloses an SDP service registry (storage registry) in each device which stores the information characterizing the ad hoc network (identification information) (**Page 9, Paragraph 104**).

Lastly Olkkonen et al. discloses the fact that a user, via a wireless device can select options defining the type of characteristics of an ad hoc network he/she would like to connect to. The user has the option of selecting from for example telephone, internet, file sharing or ad hoc network discovery for example (**Page 7, Paragraph 82-86**). All of which are stored in the memory of the device. The user can specify their choice by using a keypad. The user can then select from a sub-menu of the primary option he selected which is displayed on a user display (**Page 7, Paragraph 82-94**). This reads to the applicant's claim of "...a step that retrieves the identification information, and relates a result of that retrieval to said specifying information on outputs them, or makes the output possible."

17. Consider claim 13, Olkkonen et al. discloses a computer program for information processing of a communication device which performs communication with a device of another party (**Page 12, Paragraph 149**).

Olkkonen et al. additionally discloses a record update routine (function) that receives update messages (plurality of pieces of identification information) concerning other devices this information is stored in the SDP service registry (storage part) (**Page 14, Paragraph 164-165**).

Lastly Olkkonen et al. discloses a procedure (function) that involves the storage of an inquiry response table that is required for the connection of devices. The inquiry response table is a result of inquiry response packets (specifying information) sent by

Art Unit: 2632

the information provider. Since the inquiry response table is required for the connection of devices, it inherently contains identification information (**Page 15, Paragraph 179**).

18. Consider claim 14. Olkkonen et al. discloses a computer program for information processing of a communication device which performs communication with a device of another party (**Page 12, Paragraph 149**).

Olkkonen et al. discloses a procedure (function) that involves the storage of an inquiry response table that is required for the connection of devices. The inquiry response table is a result of inquiry response packets (specifying information) sent by the information provider. Since the inquiry response table is required for the connection of devices, it inherently contains identification information (**Page 15, Paragraph 179; Page 5, Paragraph 48**). This procedure (function) requires the transmission inquiry response packets and therefore demands transmission of identification information.

Lastly Olkkonen et al. discloses a procedure (function) that involves the storage of an inquiry response table that is required for the connection of devices. The inquiry response table is a result of inquiry response packets (specifying information) sent by the information provider. Since the inquiry response table is required for the connection of devices, it inherently contains identification information (**Page 15, Paragraph 179**).

Art Unit: 2632

19. Consider claim 15. Olkkonen et al. discloses a computer program for information processing of a communication device which performs communication with a device of another party (**Page 12, Paragraph 149**).

Additionally Olkkonen et al. discloses the ad hoc information provider as having a memory which contains an SDP service registry (address book) which stores the identity of the members (owner information) (**Page 3, Paragraph 22, Lines 7-11**) and the address of the ad hoc information provider (**Page 10, Paragraph 122**).

Olkkonen et al. discloses that the user of an arriving device can access the device of another user by selecting the user name on the display screen menu (access of every group through designation) (**Page 7, Paragraph 94**).

Lastly Olkkonen et al. discloses that the user of a wireless device, which can be embodied in the Bluetooth standard (**Page 3, Paragraph 25, Lines 1-4**), which allows the user to select (function that sets whether or not to permit a connection by a specific profile) the devices he/she would like to connect to based on characteristics of the ad hoc network or by user name (**Page 7, Paragraph 82-94**). Let it be noted that it is inherent in the wireless device to operate based on a computer program that controls how it functions.

### ***Conclusion***

20. Any response to this Office Action should be **faxed to (571) 273-8300 or mailed to:**



Art Unit: 2632

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

**Hand-delivered responses** should be brought to

Customer Service Window

Randolph Building

401 Dulany Street

Alexandria, VA 22314

21. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Awudzi Z. Agbottah whose telephone number is (571) 270-1114. The Examiner can normally be reached on Monday-Thursday from 6:30am to 5:00pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Rafael Perez-Gutierrez can be reached on (571) 272-7915. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For

Art Unit: 2632

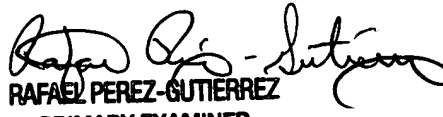
more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 703-305-3028.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-2600.

*Awudzi Agbottah*

A.Z.A./aza

August 2, 2006

  
RAFAEL PEREZ-GUTIERREZ  
PRIMARY EXAMINER  
8/4/06